

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF OCTOBER 10, 2008

(Published October 18, 2008, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

October 10, 2008 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Glidden, Remington, Benson, Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, President Johnson.

Benson moved adoption of the agenda. Seconded.

Adopted upon a voice vote 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Benson moved acceptance of the minutes of the regular meeting of September 26, 2008. Seconded.

Adopted upon a voice vote 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Benson moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273042)

2008 Federal Low Income Housing Tax Credits: Allocation of additional funds to Van Cleve West Apartments, Lowry Apartments & Creekside Commons projects.

Franklin Station Project: City application to Metropolitan Council for Land Acquisition for Affordable New Development Program.

Saks Ground Lease, Parking Agreement & Sale Agreement: Authorizing Mpls Community Development Agency officials to execute one year extension of agreements.

COORDINATOR (273043)

Minnesota Planetarium & Space Discovery Center: Pledging \$5 million in UDAG funds to an endowment fund.

INTERGOVERNMENTAL RELATIONS (273044)

Department of Housing & Urban Development (HUD) Housing Opportunities for Persons with AIDS (HOPWA) Grant: Distribution of remaining 2008 funds to the Minnesota AIDS Project.

HEALTH, ENERGY AND ENVIRONMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273045)

Adult and Youth Vendor Awards: Selection of East Side Neighborhood Services as 2007 Adult Vendor of the Year; and HIRED as 2007 Youth Vendor of the Year.

REGULATORY SERVICES (273046)

Republican National Convention: Update report on Special Event (RNC) Planning.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

FINANCE DEPARTMENT (273047)

Environmental Purchasing Policy: Adopt policy.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (273048)

I-CAN Prevent Diabetes Project Grant: Accept grant from the Medica Foundation to prevent diabetes in persons with pre-diabetes; and Approve appropriation.

Community Development Block Grant funding: Concur with Public Health Advisory Committee to approve funding priorities for a competitive RFP for period June 2009 through May 2011.

Gang Prevention Coordination Assistance Grant: Accept grant from United States Department of Justice to prevent gang involvement among youth ages 13 to 17 years by improving youth service coordination; Add 1.0 FTE grant funded position; and Approve appropriation.

PURCHASING (273049)

Bid for Lead Hazard Reduction Services: Accept bid of Minnesota Remodeling and Restoration Company.

INTERGOVERNMENTAL RELATIONS:

INTERGOVERNMENTAL RELATIONS (273050)

2009 Legislative Agenda: Proposals of City Attorney & Regulatory Services.

Federal/State/Local Update 2008.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (273051)

Mortgage Foreclosure: Report.

HENNEPIN COUNTY ATTORNEY (273052)

Mortgage Fraud: From Fraud to Foreclosure Report.

POLICE DEPARTMENT (273053)

2007 Youth Access to Alcohol Compliance Report.

REGULATORY SERVICES (273054)

On-Line Pet Licensing: Update report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273055)

Ken and Norm's Liquor (4801 Chicago Av): Grant Off-Sale Liquor License, with conditions.

Licenses: Applications.

REGULATORY SERVICES (273056)

Rental Dwelling License at 3028 Elliot Av: Revoke license held by Walter E. Perez and Zoila M. Llapa.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (273057)

Forensic Interview Services: Execute contract with CornerHouse Interagency Child Abuse Evaluation and Training Center for interview services for children and vulnerable adults who are victims of crime; and Waive Request for Proposal process.

Gunfire Detection Grant: Execute agreement with United States Department of Justice to receive \$536,609 to support and expand system by purchasing mobile data computers; and Approve appropriation.

DWI Court: Execute cooperative agreement with Fourth Judicial District Court to receive \$82,000 to fund wages for police officers who participate in program; and Approve appropriation.

MAFIN Fingerprint System: Execute Joint Powers Agreement with Minnesota Department of Public Safety for maintenance and upkeep of fingerprint system.

PUBLIC WORKS AND ENGINEERING (273058)

Strategic Information Center: Approve request for 2009 and 2010 Capital Improvement Appropriation funding; Authorize design and construct Center; Request Board of Estimate & Taxation issue and sell bonds; Include Center into Emergency Operations Facility Project at Fridley Fire Training Campus; Execute Change Order #1 to Contract with Wold Architects and Engineers for design and construction administration associated with Strategic Information Center and Emergency Operations Training Facility Projects; Direct that acceptance of bid be contingent upon an agreed upon plan to address ongoing operating costs of the facility and technology.

REGULATORY SERVICES (273059)

2009 License Fees: Request to increase license fees, except taxicab related fees, by 3%.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (273060)

50th St W and France Ave S Parking Facility: Set Assessment Public Hearing for October 28, 2008.

On-Street Parking Meters: Report on implementation of field testing as part of RFP.

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 2nd Quarter, 2008 (See Petn No 272920).

CENTERPOINT ENERGY (273061)

Utility Pole Installations: a) Alley of 707 3rd St N; b) 900 3rd St N; c) 1901 River Terr; and d) 1501 University Ave SE.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273062)

Sidewalk Repair and Construction: a) Assessment Public Hearing; and b) Comments.

Stormwater Runoff Volume Management Study: Memorandum of Agreement with Minnehaha Creek Watershed District and Minneapolis Park & Recreation Board.

Malcolm Ave SE Reconstruction Project No 6728: Amend 2008R-314 to delay levy of special assessments to 2010.

New Nicollet Mall Reconstruction Project: Adopt assessment roll.

"All-Plastics" Pilot Program: a) Extend program for one year; and b) Contract with Eastside Co-op.

LynLake Municipal Parking Lot: a) Set Assessment Public Hearing for October 28, 2008; and b) Establish special assessment proceedings and impact fees.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273063)

Van White Memorial Boulevard: Amend County Cost Participation Agreement.

Chicago Ave S Street Reconstruction Project: a) Agreement with Children's Hospital for actuated pedestrian flasher system; b) Increase appropriation; c) Project layout.

Mountain Environmental, Inc.: Increase contract for disposal of treatment residuals.

R & R Leasing, Inc: Increase contract for disposal of lime waste.

Bids: a) OP 6991, Twin City Tile and Marble Company, for re-grouting and caulk repair services on Nicollet Mall; and b) OP 7012, Tri-State Drilling, Inc., for a 16-inch diameter dewatering well.

WAYS AND MEANS BUDGET:

FIRE DEPARTMENT (273064)

October 2008 Monthly Budget Status Report.

POLICE DEPARTMENT (273065)

October 2008 Monthly Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273066)

Legal Settlement: Lisa Burch v. City of Minneapolis

Legal Matter: Philip Rau v. Michael David Roberts and City of Minneapolis: Defense and Indemnification of Michael David Roberts.

BUSINESS INFORMATION SERVICES (BIS) (273067)

USI Wireless Contract: Amend contract C-23781 to clarify payment and pricing terms.

E-Discovery Project: Receive funds from Hennepin County to cover City expenses.

COMMUNICATIONS (273068)

November 2008 Utility Billing Insert: 348-SNOW and language Snow Hotlines.

FINANCE DEPARTMENT (273069)

2007 Fire Prevention and Safety Grants: Approve revenue appropriation.

HUMAN RESOURCES (273070)

Voluntary Employees' Fitness Club Discounts: YMCA and Core Power Yoga.

International Brotherhood of Electrical Workers, Local 292: Labor agreement.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273071)

Zoning Code Text Amendment: "University District" Moratorium

Appeal: CVS Pharmacy (4419 France Ave S; 3815 Sunnyside Ave; & 3724 W 45th St) - of decision denying variance application and putting conditions on site plan approval.

Rezoning: CVS Pharmacy (4419 France Ave S; 3815 Sunnyside Ave; & 3724 W 45th St)

Darryl Weivoda - North End Hardware (3118 Queen Ave N)

Vacation: Carol Lorence (4500 Beard Ave S), vacating part of 45th St W right-of-way

FILED:

ASSESSOR (273072)

Minneapolis' Residential Assessment: Property owner letter on Estimated Market Values (EMV).

CHARTER COMMISSION (273073)

Draft 11 Revised Charter: a) Executive Summary; b) Report with Recommendation; and c) Draft letter to community organizations.

CHURCH OF THE ASCENSION (273074)

Vacate an alley between 17th Ave N and 18th Ave N (South North), Bryant Ave N-Dupont Ave N (East West).

AUGSBURG COLLEGE (273075)

Vacate Right - of - Way one block of 7th Street from 21st Avenue to 20th Avenue South.

FIREFIGHTERS RELIEF ASSN, MPLS (273076)

Firefighters Relief Association, Minneapolis: Annual Report, 2007 & 2008 Restated Articles of Incorporation & By-Laws.

MICHAEL JOHNSON, C/O SHELBY JACKSON LLC (273077)

Permission to vacate North part of 8th Street bordering the vacated 16th Ave SE. vacate the length of the building that is constructed over 8th Street.

The following reports were signed by Mayor Rybak on October 14, 2008, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration allocation of additional 2008 Federal Low Income Housing Tax Credits, now recommends that the proper City officers be authorized to reserve tax credits totaling \$118,215 for the following projects:

- a) Van Cleve West Apartments, 917 - 12th Ave SE, in the amount of \$15,000;
- b) Lowry Apartments, 2500 Polk St, in the amount of \$51,608; and
- c) Creekside Commons, 5400-5412 Stevens Ave, in the amount of \$51,607.

Adopted 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Comm Dev – Your Committee recommends approval of the submittal of the application of the City of Minneapolis for the Franklin Station Project to the Metropolitan Council for the Land Acquisition for Affordable New Development (LAAND) Program, and that the proper City officers be authorized to sign LAAND Initiative Acknowledgement Forms.

Adopted 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Approved by Mayor Rybak 10/10/2008.

(Published 10/15/2008)

Comm Dev - Your Committee recommends approval of the request to distribute grant funds remaining from the City's 2008 Department of Housing & Urban Development (HUD) Housing Opportunities for Persons with AIDS (HOPWA) grant Request for Proposals to the Minnesota AIDS Project, and that the proper City officers be authorized to execute agreements as necessary with MAP related to said grant funds.

Adopted 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Comm Dev - Your Committee recommends passage of the accompanying resolution pledging \$5 million in Urban Development Action Grant funds to an endowment fund for the Minnesota Planetarium and Space Discovery Center.

Adopted 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Resolution 2008R-431, pledging \$5 million in Urban Development Action Grant funds to the Minnesota Planetarium and Space Discovery Center's Endowment Fund, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-431

By Goodman, Benson, Samuels, Gordon, Remington and Ostrow

Pledging \$5million in Urban Development Action Grant funds to the Minnesota Planetarium and Space Discovery Center's Endowment Fund.

Resolved by the City Council of the City of Minneapolis:

1. That the City approves contribution of \$5 million in available Urban Development Action Grant (UDAG) funds to Hennepin County for an endowment fund for the Minnesota Planetarium and Space Discovery Center (the "Planetarium").

2. That the City will authorize Hennepin County to use the annual income but not the principal of these one-time funds to fully and completely cover the City's commitment to provide an annual operating contribution during Hennepin County's ownership and operation of the Planetarium.

3. That the City will make this contribution to the Planetarium endowment fund contingent upon the commitment by Hennepin County to proceed with construction of the Planetarium as the fifth and sixth floors of the Central Library in Minneapolis. The City will agree to transfer the funds upon completion of construction of the Planetarium.

4. That a stipulation to the City's commitment will be that if Hennepin County does not complete construction of the Planetarium or ceases operation of the Planetarium within 20 years after commencement of operations, the City's \$5 million endowment fund contribution must be returned to the City. If, however, Hennepin County operates the Planetarium for 20 years, the City will release its interest in the endowment fund.

5. That the City approves interim advances to the Minnesota Planetarium Society of revenues earned on the \$5 million UDAG funds between the time of approval of this resolution and the beginning of construction of the Planetarium, provided, however, that this support of the Society's operations shall not exceed \$50,000 annually or extend beyond December 31, 2011.

6. That while the City supports the efforts above, the City will not seek and does not desire legislative authority to issue general obligation debt for the Planetarium in the event that private fundraising efforts fall short.

7. That the City authorizes appropriate City staff to adjust appropriations, transfer funds and enter into agreements as necessary to implement this resolution and further directs staff to work with Hennepin County to secure extension of the \$22 million State bonding authority beyond 2010 and to pursue annual operating support for the Planetarium from the State of Minnesota.

Adopted 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

Comm Dev - Your Committee recommends that the proper Minneapolis Community Development Agency (MCDA) officers be authorized to execute a one year extension of the Saks Ground Lease, Parking agreement and Sale Agreement to December 19, 2009, with an option for an additional one-year extension upon approval of the MCDA Board of Commissioners.

Your Committee further recommends that the subject matter be forwarded to the MCDA Board of Commissioners.

Adopted 10/10/2008.

Absent - Glidden, Hofstede, Lilligren.

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following report:

HE&E – Your Committee recommends passage of the accompanying resolution adopting an Environmental Purchasing Policy.

Gordon moved to amend Page 7 of the Environmental Purchasing Policy contained in Petn No 273047 to read as follows:

"EFFECTIVE DATE

This policy will take effect on January 1, 2009.

The Purchasing Department, in conjunction with the Sustainable Purchasing Committee and responsible departments, will issue the first annual report electronic update within one year following the effective date of this policy and annually thereafter. The report update will be to the Environmental Coordinating Team covering the status of this policy's implementation, information on a comparison between total purchases of environmentally preferable products and non-environmentally preferable products, results of designated produce evaluations, financial implications, overall challenges, and recommendations for the future." Seconded.

Adopted upon a voice vote.

The report was adopted 10/10/2008.

Resolution 2008R-432, adopting an Environmental Purchasing Policy, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-432

By Benson and Gordon

Adopting an Environmental Purchasing Policy.

Whereas, the City of Minneapolis is committed to ensuring a healthy environment for its citizens, visitors and employees; and

Whereas, the City of Minneapolis can use its purchasing power to create a greater demand and awareness of high quality, environmentally friendly products at a reasonable price; and

Whereas, the City of Minneapolis has passed resolutions related to green building and green cleaning standards and there exist State requirements for the purchasing of recycled products; and

Whereas, environmental considerations should be a part of normal purchasing decisions, consistent with standard practices such as safety, price, performance and availability; and

Whereas, the City's Operating Departments and the Purchasing Department have made strong efforts to reduce product impacts on the environment; and

Whereas, the Minneapolis Citizen's Environmental Advisory Committee worked in partnership with the Purchasing Department and City Departments in drafting the policy and hereby supports the draft language; and

Whereas, the Minneapolis Environmental Coordinating Team approved the draft policy at its August 19, 2008 meeting;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City will follow an Environmental Purchasing Policy.

Be It Further Resolved that the Purchasing Department shall disseminate to all City departments information on these guidelines, product specifications and available resources.

Be It Further Resolved that nothing contained in this resolution shall be construed with requiring products that do not perform adequately, or not available at a reasonable price in a reasonable amount of time.

Be It Further Resolved that the City extends its appreciation to the Minneapolis Citizens Environmental Advisory Committee for its assistance in crafting this policy.

Be It Further Resolved that this resolution is effective January 1, 2009 and that the Purchasing Department shall report regularly to the Environmental Coordinating Team as to progress/challenges, including environmental benefits, safety concerns and pricing issues, and the first such report shall be no later than December 31, 2009.

Adopted 10/10/2008.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget – Your Committee recommends acceptance of the bid received on OP #6994 submitted by Minnesota Remodeling and Restoration Company, for an estimated expenditure of \$800,000, to furnish and deliver all labor, materials, equipment and incidentals necessary to provide lead hazardous reduction services as directed per the price schedule set forth in Petn No 273049 on file in the Office of the City Clerk, all in accordance with City specifications. Further, that the proper City officers be authorized to execute a contract for said service.

Adopted 10/10/2008.

HE&E & W&M/Budget – Your Committee recommends that the proper City officers be authorized to accept a grant award of \$24,245 from the Medica Foundation to partner with clinics and community-based organizations to deliver the *I-CAN Prevent Diabetes Project*, a 16-week group based lifestyle change program designed to prevent diabetes in persons with pre-diabetes through weight loss, increased physical activity, and improved dietary behaviors. Further, passage of the accompanying resolution appropriating \$24,245 to the Department of Health & Family Support.

Adopted 10/10/2008.

RESOLUTION 2008R-433

By Benson and Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600130) by \$24,245 and increasing the Revenue Source (0160-8600130-372001) by \$24,245.

Adopted 10/10/2008.

HE&E & W&M/Budget – Your Committee recommends concurrence with the recommendation of the Public Health Advisory Committee to approve the following funding priorities for a competitive Request for Proposal (RFP) for Community Development Block Grant (CDBG) public service funds for the period of June 2009 through May 2011. Funding priorities are:

- a. *Youth Violence Prevention*. Provide education programs for parents, guardians or care givers of youth ages 8 – 18 years who are at risk for engaging in violence.
- b. *Teen Pregnancy Prevention*. Program programs to prevent initial or repeat teen pregnancies.
- c. *Assure Maintenance of Health Safety Net for Underserved/Vulnerable Seniors*. Provide programs that increase the ability of underserved and vulnerable seniors to live independently and be connected with others in their community to reduce social isolation (including those culturally or linguistically isolated).

Adopted 10/10/2008.

HE&E & W&M/Budget – Your Committee, having applied for a Gang Prevention Coordination Assistance Grant to prevent gang involvement among youth ages 13 to 17 years by improving youth service coordination, now recommends the following:

- a. that the proper City officers be authorized to accept a grant award of \$200,000 from the United States Department of Justice to employ a full-time Gang Prevention Coordinator to work directly with community based organizations.
- b. add a 1.0 Full-Time Equivalent (FTE) grant-funded position to the Department of Health & Family Support to manage the grant project.
- c. passage of the accompanying resolution appropriating \$200,000 to the Department of Health & Family Support.

Adopted 10/10/2008.

RESOLUTION 2008R-434
By Benson and Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Federal Fund (01300-8600110) by \$200,000 and increasing the Revenue Source (01300-8600110 – Source 321010) by \$200,000.

Adopted 10/10/2008.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Ken and Norm's Liquor, 4801 Chicago Av, for an Off-Sale Liquor License, subject to conditions.

Adopted 10/10/2008.

Resolution 2008R-435, granting the application of Ken and Norm's Liquor, 4801 Chicago Av, for an Off-Sale Liquor License, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-435
By Samuels

Granting the application of Ken and Norm's Liquor, 4801 Chicago Av, for an Off-Sale Liquor License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Wallis Inc, dba Ken and Norm's Liquor, 4801 Chicago Av, for an Off-Sale Liquor License (change in ownership from Ken & Norm's Liquors Inc) to expire October 1, 2009, subject to the following conditions:

1. The applicant shall not sell fortified wines of a nature which are other than premium brands.
2. The applicant shall endeavor to operate the premises in a manner that will discourage panhandling in and around the premises and shall cooperate with the City of Minneapolis in the implementation of measures designed to discourage panhandling and loitering.
3. The applicant shall not sell any liquor or wine in quantities smaller than one (1) pint or the metric equivalent.
4. The applicant shall not sell single cans or bottles of beer or malt liquor unless the container holds more than 16 ounces.
5. The applicant shall not accept change in excess of \$2.50 for any one purchase.
6. The business will clean the property of litter and trash daily including the area within 100 feet of the property lines.
7. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 10/10/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 10/10/2008.

Resolution 2008R-436, granting applications for Liquor, Wine and Beer Licenses, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-436

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 273055):

Off-Sale Liquor, to expire October 1, 2009

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av

Zipp's Liquor Store Inc, dba Zipp's Liquor, 2618 E Franklin Av

Off-Sale Malt Liquor, to expire October 1, 2009

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, 1st floor (growler license)

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2009

Rock Bottom of Minneapolis Inc, dba Rock Bottom Brewery, 800 LaSalle Av, downstairs

Hilton Hotels Corporation, dba Minneapolis Hilton, 1001 Marquette Av

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2009

Hexagon Inc, dba Hexagon, 2600 27th Av S (new ownership from Hexagon Bar Inc)

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2009

Ukrainian American Community Center, dba Ukrainian American Community Center, 301 Main St NE

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE

On-Sale Liquor Class B with Sunday Sales, to expire October 24, 2008

Red Stag Supperclub, dba Red Stag Supperclub, 509 1st Av NE (temporary expansion of premises, Film Festival Party, October 24, 2008, 8:00 p.m. to 2:00 a.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2009

Lip to Lip Inc, dba In Wunderbar, 983 E Hennepin Av (downgrade from Class A with Sunday Sales)

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 25, 2008

Lurcat, LLC, dba Cafe and Bar Lurcat, 1624 Harmon Pl (temporary expansion of premises, October 25, 2008, 5:00 p.m. to 1:00 a.m.)

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2009

O'Donovan's Irish Pub LLC, dba O'Donovans Irish Pub, 700 1st Av N

On-Sale Liquor Class D with Sunday Sales, to expire October 1, 2009

S B Food Services Inc, dba Jewel of India, 1427 Washington Av S

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2009

Capital Grille Holdings Inc, dba Capital Grille, 801 Hennepin Av (new corporate officer)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009

Bali Restaurant LLC, dba Bali Restaurant, 1410 Nicollet Av

Graves Hospitality Corp, dba Downtown Residence Inn, 45 S 8th St

On-Sale Wine Class D with Strong Beer, to expire April 1, 2009

Dos Laredos Inc, dba La Palmita, 805 E 38th St (new shareholder)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2009

Out of the Blue Ventures Inc, dba Armatage Room, 5416 Penn Av S (new business)

Karim Inc, dba Adrian's Tavern, 4812 Chicago Av

Temporary On-Sale Beer

Saint Maron Church, dba Saint Maron Church, 600 University Av NE (September 20, 2008, 11:00 a.m. to 8:00 p.m.; and September 21, 2008, 11:00 a.m. to 6:00 p.m.).

Adopted 10/10/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 10/10/2008.

Resolution 2008R-437, granting applications for Business Licenses, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-437
By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 10, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 273055):

Place of Amusement Class B-2; Bowling Alley; Car Wash; Dance Hall; Dancing School; Dry Cleaning & Laundry Pickup Station; Fire Extinguisher Servicing – Class A; Fire Extinguisher Servicing – Class B; All Night Special Food; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Fuel Dealer; Gasoline Filling Station; Motor Vehicle Dealer – Used Only; Motor Vehicle Dealer Wholesaler; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class A; Towing Class B; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Pet Shop – Mobile; Secondhand Goods Class B; Solicitor – Company; Solid Waste Hauler; Taxicab Limited; Taxicab Vehicle; Medical Contract Carrier; Theater Zone I; Tobacco Dealer; Valet Parking.

Adopted 10/10/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 10/10/2008.

Resolution 2008R-438, granting applications for Gambling Licenses, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-438
By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petr No 273055):

Gambling Exempt

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 7801 E Bush Lk Rd 130 (View Restaurant & Bar, 2730 W Lake St, October 22, 2008, Raffles)

Peace House Foundation, dba Peace House Foundation, 6581 City West Pkwy, Eden Prairie (November 1, 2008, Raffles, Hyatt Regency Minneapolis, 1300 Nicollet Mall)

Church of St Boniface, dba Church of St Boniface, 629 2nd St NE (Raffles, Pulltabs, Church of St. Boniface, November 9, 2008)

Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 1611 W County Rd B, Suite 221, St. Paul (Hyatt Regency, 1300 Nicollet Mall, November 15, 2008, Raffles)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Av NE (November 16, 2008, Church of the Holy Cross, 1621 University Av NE, Bingo and Pulltabs)

Church of St Hedwig, dba Church of St Hedwig, 129 29th Av NE (December 7, 2008, Church of St Hedwig, Raffles).

Adopted 10/10/2008.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Walter E. Perez and Zoila M. Llapa for the property located at 3028 Elliot Av, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910 (2) and 244.1910 (3) of the Minneapolis Code of Ordinances relating to dwelling units not exceeding the maximum number of dwelling units permitted by the Zoning Code and over/illegal occupancy, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 10/10/2008.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to execute a three-year contract with CornerHouse Interagency Child Abuse Evaluation and Training Center to provide forensic interview services when necessary to interview children and vulnerable adults who are victims of crime. The first year contract shall be in the amount of \$126,008. Further, concurrence with the Permanent Review Committee to waive the Request for Proposal process.

Adopted 10/10/2008.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement with the United States Department of Justice, Office of Justice Programs, to receive \$536,609, to support and expand the Police Department's Gunfire Detection System by purchasing new mobile data computers. Further, passage of the accompanying resolution appropriating \$536,609 to the Police Department.

Adopted 10/10/2008.

RESOLUTION 2008R-439

By Samuels and Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Federal Fund (01300-4004110) by \$536,609 and increasing the Revenue Source (01300-40041100-321010) by \$536,609.

Adopted 10/10/2008.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a cooperative agreement with the Fourth Judicial District Court to receive \$82,000 to fund wages for police officers to participate in the Adult DWI Court in Hennepin County. Further, passage of the accompanying resolution appropriating \$82,000 to the Police Department.

Adopted 10/10/2008.

RESOLUTION 2008R-440
By Samuels and Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants – Other Fund (01600-4002735) by \$82,000 and increasing the Revenue Source (01600-400-2735-321515) by \$82,000.

Adopted 10/10/2008.

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to execute a five-year Joint Powers Agreement with the Minnesota Department of Public Safety, Bureau of Criminal Apprehension, for the maintenance and upkeep of the MAFIN Fingerprint System. System costs are to be shared between the State and law enforcement throughout Minnesota. First year expenses for Minneapolis are expected to be \$49,761.

Adopted 10/10/2008.

PS&RS & W&M/Budget – Your Committee, having under consideration a request to proceed with the Strategic Information Center Project, to be included with the Emergency Operations Training Facility Project at the Fridley Fire Training Campus, now recommends the following:

a. Request authorization for Capital Improvement Appropriation funding for 2009 and 2010 for the Strategic Information Center Project (MPD05) as designated in the Mayor's Recommended Budget for 2009. Direct staff that expenditures made from the appropriation follows the 2009 and 2010 appropriations in the Mayor's recommended five-year capital plan.

b. Authorize the proper City officers to design and construct the Strategic Information Center that will meet the long term needs of the City for an amount not to exceed \$1,599,000.

c. Request the Board of Estimate & Taxation to issue and sell general obligation bonds in the amount of \$1,599,000 for the Strategic Information Center Project (MPD05).

d. Authorize the inclusion of the Strategic Information Center (MPD05) into the Emergency Operations Facility Project (FIR01) at the Fridley Fire Training Campus.

e. Authorize the proper City officers to execute Change Order #1 to Contract #C-25892 with Wold Architects and Engineers for the design and construction administration associated to include the Strategic Information Center Project (MPD05) with the Emergency Operations Training Facility Project (FIR01). The total amount of Change Order #1 is \$107,543, for a revised contract amount of \$412,543. Funding is included in the Capital Budget request for the Strategic Information Center Project (MPD05) and additional design budget for the Emergency Operations Training Facility (FIR01).

W&M/Budget – Your Committee further recommends that a direction to staff that acceptance of the bid will be contingent upon an agreed upon plan to address the ongoing operating costs of the facility and technology.

Adopted 10/10/2008.

PS&RS & W&M/Budget – Your Committee, having under consideration a request to adjust license fees for 2009 to account for inflationary increases incurred from 2007 to 2008, now recommends:

PS&RS – authorize increasing license fees contained in Appendix J, Licenses and Annual Billing Fees Schedule, except taxicab related fees, by 3 percent.

W&M/Budget – that said request **be sent forward without recommendation.**

Schiff moved that the report be amended to approve the Public Safety & Regulatory Services Committee recommendation and to delete the Ways & Means/Budget Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 10/10/2008. Yeas, 12; Nays, 1 as follows:

Yeas – Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Johnson.

Nays – Goodman.

Approved by Mayor Rybak 10/10/2008.

(Published 10/15/2008)

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration proposed assessments for the repair and construction of public sidewalks, and having held a public hearing thereon, now recommends that the assessment against the property located at 3400 42nd Ave S (Property ID 06-028-23-42-0001) be removed from the 2009 assessment roll and added to the proposed assessment roll to be levied in 2010.

Further that the following properties be removed from the assessment list pending further investigation by staff:

- | | |
|------------------------|-------------------------------|
| a) 2900 Russell Ave N | Property ID 08-029-24-41-0161 |
| b) 4125 50th St E | Property ID 18-028-23-42-0001 |
| c) 3100 50th St E | Property ID 18-028-23-23-0080 |
| d) 3219 Penn Ave N | Property ID 08-029-24-14-0158 |
| e) 4101 42nd Ave S | Property ID 07-028-23-14-0150 |
| f) 5000 34th Ave S | Property ID 18-028-23-32-0001 |
| g) 3424 Calhoun Pkwy W | Property ID 05-028-24-31-0004 |
| h) 2931 Lake St E | Property ID 01-028-24-11-0037 |
| i) 4745 Vincent Ave S | Property ID 17-028-24-12-0179 |
| j) 1315 6th St NE | Property ID 14-029-24-24-0106 |
| k) 5722 Bryant Ave S | Property ID 21-028-24-14-0069 |
| l) 3447 Ulysses St NE | Property ID 01-029-24-12-0094 |

Your Committee further recommends passage of the accompanying resolution adopting the assessments, levying the assessments, and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 273062.

Colvin Roy moved that the resolution be amended by adding the following changes to the Sidewalk Assessment List:

That the proposed assessment for the property located at 3219 Penn Ave N be reduced to \$426.90;

That the proposed assessment for the property located at 1315 6th St NE be waived;

That regarding 3100 50th St E, the warranty work be completed before the property is assessed. If not done by the time the assessment roll is sent to Hennepin County, this address is to be removed from the assessment roll and assigned to the next assessment roll, after work is done in spring of 2009.

Further, that the remaining properties listed in the report be returned to the assessment list. Seconded.

Adopted upon a voice vote.

Hodges moved that the proposed assessment for the property located at 4745 Vincent Ave S be reduced by one-half. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/10/2008.

Resolution 2008R-441, adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 273062, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-441

By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for the repair and construction of public sidewalks on the list of properties set forth in Petn No 273062.

Whereas, a public hearing was held on October 2, 2008, in accordance with Chapter 8, Sections 12 and 13 of the Minneapolis City Charter to consider the proposed assessments as shown on the proposed assessment rolls on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 3400 42nd Ave S, Property ID 06-028-23-42-0001, in the amount of \$7,270.65, be removed from the proposed 2009 assessment roll and added to the proposed assessment roll to be levied in 2010;

That the proposed assessment for the property identified as 3219 Penn Ave N, Property ID 08-029-24-14-0158, in the amount of \$3,045.29, be reduced by \$2,618.39 to \$426.90.

That the proposed assessment for the property identified as 1315 6th St NE, Property ID 14-029-24-24-0106, in the amount of \$847.88, be waived.

That the proposed assessment for the property identified as 4745 Vincent Ave S, Property ID 17-028-24-12-0179, be reduced by one-half from \$345.31 to \$172.65.

That regarding the proposed assessment for the property located at 3100 50th St E, Property ID 18-028-23-23-0080, in the amount of \$1,191.37, that the warranty work be completed before the property is assessed. If the warranty work is not completed by the time the assessment roll is submitted to the Hennepin County Auditor, that the assessment be removed from the 2009 assessment roll and added to the proposed assessment roll to be levied in 2010, after the warranty work is completed in spring of 2009.

That the proposed assessments against the affected properties on the list dated August 20, 2008 set forth in Petn No 273062, less prepayments received, in the total amount of \$1,360,944.45 and as shown on the proposed assessment rolls on file in the office of the City Clerk, be revised to \$1,350,034.87 as a result of the above reductions, and hereby are adopted and levied.

Be It Further Resolved that the assessments of more than \$1500 be collected in ten (10) successive equal annual principal installments beginning on the 2009 real estate tax statements with interest.

Be It Further Resolved that the assessments of more than \$150 up to \$1500 be collected in five (5) successive equal annual principal installments beginning on the 2009 real estate tax statements with interest.

Be It Further Resolved that the assessments of \$150 or less be collected in one (1) installment on the 2009 real estate tax statements with interest.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 10/10/2008.

T&PW - Your Committee recommends that the proper City officers be authorized to execute a Memorandum of Understanding (MOU) with the Minnehaha Creek Watershed District and the Minneapolis Park & Recreation Board for a Stormwater Runoff Volume Management Feasibility Study to establish a collaborative approach in exploring measures to reduce annual stormwater runoff volume within the Minnehaha Creek subwatershed within the City of Minneapolis.

Adopted 10/10/2008.

T&PW - Your Committee, having under consideration the delay of the Malcolm Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 6728, due to the fact that private

utility work was not completed on schedule, now recommends passage of the accompanying resolution amending Resolution 2008R-314 in order to postpone the levy of special assessments for the delayed project until 2010.

Adopted 10/10/2008.

Resolution 2008R-442, amending Resolution 2008R-314 entitled, "Ordering the work to proceed and adopting the special assessments for the Malcolm Ave SE (5th St SE to Dead End) Project", passed July 25, 2008, in order to postpone the levy of special assessments for the delayed project until 2010, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-442
By Colvin Roy

Amending Resolution 2008R-314 entitled, "Ordering the work to proceed and adopting the special assessments for the Malcolm Ave SE (5th St SE to Dead End) Project", passed July 25, 2008.

Whereas, on July 25, 2008, the City Council passed Resolution 2008R-314 ordering the work to proceed and adopting the special assessments for the Malcolm Ave SE Street Reconstruction Project, Special Improvement of Existing Street No 6728, as designated in Resolution 2008R-258, passed June 20, 2008; and

Whereas, the special assessments in the total amount of \$272,997.93 as on file in the office of the City Clerk were to begin collection on the 2009 real estate tax statements; and

Whereas, the start of this reconstruction project is in coordination with public and private utility work and the private utility work was not completed on schedule, and therefore the City cannot complete the reconstruction project before the end of the construction season 2008; and

Whereas, the City will proceed and complete the Malcolm Ave SE Project improvements in 2009;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to postpone the levying of the special assessments for the Malcolm Ave SE Street Reconstruction Project until 2010 by amending the third and fourth Resolved clauses to read as follows:

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the ~~2009~~ 2010 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments on the ~~2009~~ 2010 real estate tax statements.

Adopted 10/10/2008.

T&PW - Your Committee recommends passage of the accompanying resolution adopting the assessment roll for service charges to be imposed for collection in 2009 in the Downtown Special Service District for the New Nicollet Mall Reconstruction Project (from Washington Ave S to 11th St S).

Adopted 10/10/2008.

Resolution 2008R-443, adopting the assessment roll for service charges to be imposed for collection in 2009 in the Downtown Special Service District for the New Nicollet Mall (from Washington Ave S to 11th St S) Reconstruction Project, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-443
By Colvin Roy

Adopting the assessment roll for service charges to be imposed for collection in 2009 in the Downtown Special Service District for the New Nicollet Mall (from Washington Ave S to 11th St S) Reconstruction Project.

Whereas, Resolution 89R-412, passed September 29, 1989, established the annual amount of service charges to be charged to properties in the Downtown Special Service District for the New Nicollet Mall (from Washington Ave S to 11th St S) Reconstruction Project to be \$888,191; and

Whereas, the annual amount of the service charges for payable 1990, 1991, 1992, and 1993 was \$888,191; and

Whereas, refunding bonds were issued in July 1993 for the New Nicollet Mall Reconstruction Project with the annual amount of service charges to the district being reduced for payable 1994, 1995, and 1996 to \$680,000, said reduced annual amount reflecting the allocated share of the interest savings generated by the said funding bonds, all as recited in Resolution 93R-430, passed November 12, 1993; and

Whereas, the annual amount of the service charges for payable 1997 through payable 2009 inclusive is to be restored to \$888,191; and

Whereas, the service charges have to be certified to the Hennepin County Auditor on an annual basis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the assessment roll listing the service charges in the amount of \$888,191 to be imposed for collection in 2009 and the affected properties as prepared by the City Engineer be and hereby is adopted, and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 10/10/2008.

T&PW - Your Committee, having under consideration the "All Plastics" Pilot Program in association with the Eastside Co-op and Container Corporation, now recommends that the Division of Solid Waste and Recycling Services be authorized to extend the program for 12 months.

Your Committee further recommends that the proper City officers be authorized to enter into a contract with Eastside Co-op, for an amount not to exceed \$10,000, to staff the facility during open hours for the 12-month period. No additional appropriation required.

Adopted 10/10/2008.

T&PW - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots Project and establishment of proceedings for the assessment of project costs and expenses and the establishment of impact fees for businesses that have bought into the lots to meet parking requirements, now recommends:

a) Passage of the accompanying resolution establishing the special assessment proceedings for payable 2009 for the Lyn/Lake Parking Facilities;

b) Establishment of impact fees for the Lyn/Lake Lots for the period of September 1, 2008 through August 31, 2009 at \$940 per stall for businesses that had licenses/permits to expand their businesses, or City-approved plans to expand their businesses as of September 1, 1998, and \$1885 per stall for new businesses; and

c) That a public hearing be held on October 28, 2008, to consider the annual assessment.

Adopted 10/10/2008.

Resolution 2008R-444, establishing the special assessment proceedings for payable 2009 for the Lyn/Lake Parking Facilities, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-444
By Colvin Roy

Establishing the special assessment proceedings for payable 2009 for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities, and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2009 to be \$62,930.24, all as contained in Petn No 273062 on file in the office of the City Clerk;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proper City officers are hereby directed to prepare proposed special assessments in the total amount of \$62,930.24 and to give notice of a public hearing to be held by the Transportation and Public Works Committee on October 28, 2008, in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the amount proposed to be assessed to each benefited property for payable 2009.

Adopted 10/10/2008.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration a Cost Participation Agreement with Hennepin County for the construction of the Van White Memorial Boulevard, now recommends that the proper City officers be authorized to execute an amendment to the agreement extending the terms and conditions of the County's cost participation toward the completion of the construction project.

Adopted 10/10/2008.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Change Order No 2 to Contract C-24195 with Mountain Environmental, Inc., in the amount of \$500,000, for a revised contract total of \$1,392,500, to continue the hauling and disposal of treatment residuals from the Water Works Lagoons.

Adopted 10/10/2008.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Change Order No 2 to Contract C-22850 with R & R Leasing, Inc., in the amount of \$400,000, for a revised contract total of \$1,130,000, to continue the hauling and disposal of lime waste from the Minneapolis Water Works Dewatering Plant.

Adopted 10/10/2008.

T&PW & W&M/Budget - Your Committee, having under consideration passage of the accompanying resolution approving the project layout for Chicago Ave from 8th St E to 25th St E and 26th St E to 28th St E, dated September 10, 2008, as set forth in Petn No 273063 on file in the office of the City Clerk, now recommends that said resolution be **sent forward without recommendation**.

Lilligren moved that the report be amended by deleting the language "that said resolution be sent forward without recommendation" and inserting in lieu thereof, "that said resolution be adopted". Seconded.

Adopted by unanimous consent.

Lilligren moved that the Resolved clause of the resolution be amended to read as follows:

That the City approve the layout for Chicago Ave, dated September 10, 2008, with the addition of user actuated permanent flashing pedestrian crossing signals, centerline in-street pedestrian signs, and embedded zebra striped crosswalk at the intersections of 25th and 27th Streets. Seconded.

Adopted upon a voice vote.

Schiff moved that the report be postponed. Seconded.

Adopted upon a voice vote 10/10/2008.

T&PW & W&M/Budget - Your Committee, having under consideration the Chicago Ave Reconstruction Project, Special Improvement of Existing Street No 6382, now recommends:

a) That the proper City officers be authorized to negotiate with private property owners to acquire permanent road right-of-way easements;

b) That the proper City officers be authorized to execute an agreement with Children's Hospital for the installation, operation, and maintenance of an actuated pedestrian flasher system for crossing Chicago Ave between 25th St E and 26th St E (intersection of Chicago Ave and Children's Hospital Drop-Off Drive); and

c) Passage of the accompanying resolution increasing the appropriation and revenue for the project by \$25,000, to be reimbursed by Children's Hospital.

Adopted 10/10/2008.

RESOLUTION 2008R-445
By Colvin Roy and Ostrow

Amending The 2008 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Fund (4100-901000) by \$25,000 and increasing the revenue source (4100-901000 Source-372001) by \$25,000, to be reimbursed by Children's Hospital.

Adopted 10/10/2008.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 6991, Accept low bids of Twin City Tile and Marble Company, for an estimated annual expenditure of \$400,000, to furnish and deliver re-grouting and caulk repair services on Nicollet Mall; and

b) OP 7012, Accept low bid of Tri-State Drilling, Inc., for an estimated expenditure of \$140,000, to furnish and deliver all labor, materials, equipment, and incidentals necessary for a 16-inch diameter dewatering well.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 10/10/2008.

Approved by Mayor Rybak 10/10/2008.

(Published 10/15/2008)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 10/10/2008.

Resolution 2008R-446, authorizing settlement of *Lisa Burch v. City of Minneapolis*, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-446

By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of *Lisa Burch v. City of Minneapolis*, by payment of \$10,000 to Lisa Burch and her attorney, Emily Teplin, from the Internal Service Self Insurance Fund (6900-150-1500-4000).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 10/10/2008.

W&M/Budget - Your Committee, having under consideration the matter of *Philip Rau v. Michael David Roberts and City of Minneapolis*, now recommends adoption of the Findings of Fact, Conclusions and Recommendation of Administrative Law Judge Manuel Cervantes; and affirming the joint decision of the Minneapolis City Attorney's Office and the Police Department not to defend or indemnify Michael David Roberts, which is on file in the Office of the City Clerk and made a part of this report by reference.

Adopted 10/10/2008.

W&M/Budget - Your Committee recommends authorizing proper City officers to amend the current contract (C-23781) with USI Wireless, Inc., to provide the following:

- Transparency surrounding the payment and pricing terms;
- Ensure that both parties have the same understanding of the payment schedule; and
- Incorporate and consolidate the previously executed contract amendment and change order into one document for ease of use and visibility of changes.

Adopted 10/10/2008.

W&M/Budget - Your Committee, having under consideration the Hennepin County E-Discovery Project, now recommends that the proper City officers be authorized to receive up to \$25,000 to cover City expenses related to the joint E-Discovery Project between the City and Hennepin County.

Your Committee further recommends passage of the accompanying resolution appropriating funds.

Adopted 10/10/2008.

OCTOBER 10, 2008

RESOLUTION 2008R-447

By Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the amount in the Info Tech - Internal Service Fund (06400-8800310-880F7713) by \$25,000 and increasing the revenue appropriation (06400-8800310-3455) by \$25,000.

Adopted 10/10/2008.

W&M/Budget - Your Committee recommends approval of the November 2008 utility billing insert on behalf of the Public Works Field Services providing information about 348-SNOW and language Snow Hotlines, and messages about clearing snow and sidewalks and around garbage and recycling containers.

Adopted 10/10/2008.

W&M/Budget - Your Committee, having under consideration the 2007 Fire Prevention and Safety Grants from the United States Department of Homeland Security, Federal Emergency Management Agency (FEMA), and having approved acceptance of said grant, passed by Council on August 22, 2008, now recommends passage of the accompanying resolution, amending Resolution 2008R-374, to increase the revenue appropriation in the amount of \$78,160.

Adopted 10/10/2008.

RESOLUTION 2008R-448

By Ostrow

Amending Resolution 2008R- 374 entitled "Amending The 2008 General Appropriation Resolution", passed August 22, 2008.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, be amended by adding the following language:

"Be it further resolved that the revenue appropriation in Fire Department Agency in the Grants – Federal Fund (01300-2800700-321002) be increased by \$78,160."

Adopted 10/10/2008.

W&M/Budget - Your Committee, having under consideration the City of Minneapolis Voluntary Employees' Fitness Club Discounts, now recommends that the proper City officers be authorized to execute contracts necessary to implement fitness discount programs with the YMCA and Core Power Yoga, as set forth in the Human Resources staff report.

Adopted 10/10/2008.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 36-month labor agreement with the International Brotherhood of Electrical Workers, Local #292; effective May 1, 2008 through April 30, 2011.

Adopted 10/10/2008.

Resolution 2008R-449, approving the terms of a 36-month labor agreement with the International Brotherhood of Electrical Works, Local #292, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

OCTOBER 10, 2008

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-449

By Ostrow

Approving the terms of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local #292 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Brotherhood of Electrical Workers, Local #292 (Petn No 273070), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 10/10/2008.

The ZONING & PLANNING Committee submitted the following reports:

Z & P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 585 *Providing for a Moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts in the "University District" area, including the neighborhoods of Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University*, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 10/10/2008.

Ordinance 2008-Or-078 amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 585, was adopted 10/10/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-078

By Gordon

Intro & 1st Reading: 8/22/2008

Ref to: Z&P

2nd Reading: 10/10/2008

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 585 relating to *Interim Ordinances*: Providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three (3) or four (4) dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts in the "University District" area, including the neighborhoods of Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University. The area is bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to the south.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 585 to read as follows:

CHAPTER 585. PROVIDING FOR A MORATORIUM ON THE DEMOLITION, NEW CONSTRUCTION, OR ESTABLISHMENT OF SINGLE AND TWO-FAMILY RESIDENTIAL DWELLINGS INCLUDING ROOMING UNITS AND MULTIPLE-FAMILY RESIDENTIAL DWELLINGS HAVING THREE (3) OR FOUR (4) DWELLING UNITS INCLUDING ROOMING UNITS IN THE R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, AND OR3 ZONING DISTRICTS IN THE “UNIVERSITY DISTRICT” AREA, INCLUDING THE NEIGHBORHOODS OF CEDAR RIVERSIDE, MARCY HOLMES, PROSPECT PARK, COMO, AND UNIVERSITY. THE STUDY AREA INCLUDES IN ENTIRETY THE ABOVE REFERENCED NEIGHBORHOODS AND IS BOUNDED BY THE CITY OF MINNEAPOLIS BORDER TO THE EAST; HENNEPIN AVENUE E, BN & SANTA FE RAILROAD, WINTER ST NE, INTERSTATE 35 W, AND HENNEPIN AVE E TO THE NORTH; HARRISON ST NE, CENTRAL AVE NE, THE MISSISSIPPI RIVER, AND INTERSTATE 35 W TO THE WEST; AND INTERSTATE 94 AND THE MISSISSIPPI RIVER TO THE SOUTH.

585.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

585.20. Findings and purpose. The city council is concerned that rapid changes in the residential areas surrounding the University of Minnesota may affect community livability. The city council is concerned that continued residential demolition and construction of single and two-family residential dwellings and multiple-family residential dwellings having three (3) or four (4) dwelling units could substantially alter the character and livability of the study area. The city council is interested in protecting the livability of the study area by examining issues such as parking, density, and whether the existing pattern of zoning districts within the study area is consistent with the policies of the comprehensive plan. As a result of the important land use and zoning issues cited above, the city, through its planning division, will conduct studies to consider possible amendments to the official zoning controls. The city council finds that this interim ordinance should be adopted to protect the planning process and the public health, safety, aesthetics, economic viability, and general welfare of the city.

585.30. Zoning study. All parcels within the area bounded by the Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University neighborhoods. The area including in entirety the above referenced neighborhoods and bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to the south, are hereby declared to be an interim zoning study area with respect to the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three (3) or four (4) dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts. The planning division of the community planning and economic development department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the division of regulatory services department, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

585.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on August 22, 2008, no zoning approval, building permits, construction permits, demolition permits, licenses, or administrative waivers for building construction that allow for the demolition, new construction, or establishment of single and two-family residential dwellings including rooming units and multiple-family residential dwellings having three (3) or four (4) dwelling units including rooming units in the R1, R1A, R2, R2B, R3, R4, R5, R6, OR1, OR2, and OR3 zoning districts by the zoning

code shall be allowed or granted by any city department for the study area consisting of parcels within the area bounded by the City of Minneapolis border to the east; Hennepin Avenue E, BN & Santa Fe Railroad, Winter St NE, Interstate 35 W, and Hennepin Ave E to the north; Harrison St NE, Central Ave NE, the Mississippi River, and Interstate 35 W to the west; and Interstate 94 and the Mississippi River to the south and including in entirety the Cedar Riverside, Marcy Holmes, Prospect Park, Como, and University neighborhoods. These restrictions shall not apply to the issuance of permits for any of the following:

- 1) Development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date of this interim ordinance;
- 2) Development for which complete applications have been received by the planning division of the community planning and economic development department prior to the effective date of this interim ordinance.

585.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 10/10/2008.

Z&P - Your Committee, having under consideration the appeal filed by Kevin McGhee on behalf of Velmeir Companies from the decision of the Planning Commission denying an application for a variance to allow signage on a non-primary building wall, for the construction of a new CVS Pharmacy with a drive thru facility at 4419 France Avenue South, 3815 Sunnyside Avenue and 3724 West 45th Street, now recommends, notwithstanding the recommendation of staff, that said appeal be denied, and that the Findings prepared by the City Attorney and on file in the Office of the City Clerk be adopted and made a part of this report by reference.

Your Committee, also having under consideration the appeal of certain conditions placed on the approval of the site plan review application, that:

- 1) EIFS shall not be used as an exterior material; instead a masonry material shall be used;
 - 2) the walkway on the south side of the building shall continue around to the receiving door that is located on the northeasterly side of the building in order to provide protection for those loading and unloading materials;
 - 3) the number of parking spaces shall be reduced to 48;
 - 4) there shall be a minimum of 15 canopy trees located on the site, including a minimum of two along France Avenue, two along Sunnyside Avenue, four along West 45th Street, and three evergreen trees along West 45th Street;
 - 5) wood mulch shall be used in all landscaped beds;
 - 6) the curb cut along West 45th Street shall be eliminated, subject to the approval of Public Works;
- and
- 7) the pedestrian cross walk that connects the building to West 45th Street shall be a raised cross walk;

now recommends that said appeal be denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted, and the additional condition be added that the sidewalk along Sunnyside Avenue include a 5' boulevard and 8' sidewalk, and that the applicant work with staff on the selection and placement of trees in that boulevard.

Hodges moved to amend the report by adding the following additional condition on the approval of the site plan review:

"Primary signs located on the building shall be limited to individual letters or elements and shall be externally illuminated with gooseneck lighting and shall not be internally illuminated." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 10/10/2008. Yeas, 11; Nays, 2 as follows:

Yeas - Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Johnson.

Nays - Goodman, Colvin Roy.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Kevin McGhee(BZZ-4116) to rezone the property at 4419 France Avenue South from C1 to the C2 District to permit a pharmacy with drive-through facility and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/10/2008. Yeas, 11; Nays, 2 as follows:

Yeas - Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Johnson.

Nays - Goodman, Colvin Roy.

Ordinance 2008-Or-079 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 4419 France Avenue South from C1 to the C2 District, was adopted 10/10/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-079

By Schiff

1st & 2nd Readings: 10/10/2008

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 6 and 7, Blk 19, and of sely 3 ft of vac Sunnyside Ave and of vac Mclean St all in Waveland Park and of Lot 1 Blk 17 Waveland desc as fol beg at intersection of nwly line of sely 3 ft of vac Sunnyside Ave with e line of France Ave S th S along said E line to N line of W 45th St th E along said N line 69 ft more or less to a pt 101.56 ft E at r/a from W line of Sec 8 T 28 R 24 th N to a pt on nwly line of sely 3 ft of vac Sunnyside Ave 102 ft E at r/a from said W line of Sec 8 th swly along said nwly line to beg, Waveland Park Addition, Hennepin County, Minnesota (4419 France Avenue South - Plate 29) to the C2 District.

Adopted 10/10/2008. Yeas, 11; Nays, 2 as follows:

Yeas - Glidden, Remington, Benson, Hodges, Samuels, Gordon, Hofstede, Ostrow, Schiff, Lilligren, Johnson.

Nays - Goodman, Colvin Roy.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Carol Lorence to vacate a section of the 45th Street West right-of-way(#1549), subject to retention of utility easement rights by Xcel Energy and Qwest Communications, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said right-of-way.

Adopted 10/10/2008.

Resolution 2008R-450, vacating a section of the 45th Street West right-of-way, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-450
By Schiff

Vacating that part of 45th Street West shown on the plat of Waveland Park Addition to Minneapolis, lying 60 feet north of the North line of Lot 1, Block 22 said Addition, and 36 feet east of the west line of said Lot 1 as extended north, and south of the South line of 45th Street West as opened by the City Council on November 14, 1924. (#1549).

Resolved by The City Council of The City of Minneapolis:

That All that portion of 45th Street West, not heretofore vacated, as dedicated in the original plat of Waveland Park Addition to Minneapolis, lying between the north line of Lot 1, Block 22, said Addition, and the south line of 45th Street West as opened by the City Council on November 14, 1924, as follows; Beginning at the northwest corner of Lot 1, Block 22, said Addition, thence north 60.00 feet on an assumed bearing to the south line of 45th Street West, thence 36.00 feet east along the south line of 45th Street West as opened by the City of Minneapolis, thence south 60.00 feet to the north line of said Lot 1, thence west to the point of beginning.

All according to the plat of record, City of Minneapolis Street Opening No. 1183, dated March 14, 1924; City Council Resolution dated September 14, 1945; and City Council Resolution No. 89R-476, dated November 9, 1989, on file and of record at the Hennepin County Records office, Minneapolis, MN is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel Energy: A Utility Easement in favor of Xcel Energy over the westerly 5 feet of said vacated street.

As to Qwest: A Utility Easement in favor of Qwest Communications over the westerly 5 feet of said vacated street.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 10/10/2008.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Jan Dar Investment (BZZ-4129) to rezone the property at 3118 Queen Avenue North to add the TP Transitional Parking Overlay District to permit a parking lot for North End Hardware and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 10/10/2008.

Approved by Mayor Rybak 10/10/2008.

(Published 10/15/2008)

Ordinance 2008-Or-080 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3118 Queen Avenue North to add the TP Overlay District, was adopted 10/10/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-080
By Schiff
1st & 2nd Readings: 10/10/2008

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lot 28, Block 1, Penn Avenue Addition to Minneapolis, Hennepin County, Minnesota. (3118 Queen Avenue North - Plate 7) to add the TP Transitional Parking Overlay District.

Adopted 10/10/2008.

Approved by Mayor Rybak 10/10/2008.

MOTION

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of November, 2008, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 10/10/2008.

RESOLUTION

Resolution 2008R-451, providing direction to the Minnesota Department of Transportation to not erect noise walls in the designated segments of Stevens Ave S (35th-38th Streets) adjacent to the proposed UPA/Priced Dynamic Shoulder Lane addition on Interstate 35W, was adopted 10/10/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-451
By Glidden and Remington

Providing direction to Mn/DOT (Minnesota Department of Transportation) to not erect noise walls in the following segments: Stevens Ave S (35th - 36th Streets) and Stevens Ave S (36th - 38th Streets) adjacent to the proposed UPA/Priced Dynamic Shoulder Lane Addition construction on Interstate 35W.

Whereas, as part of its Urban Partnership Agreement/Priced Dynamic Shoulder Lane project on Interstate 35W, Mn/DOT has proposed installing noise walls from 42nd St to 35th St on both sides of the freeway; and

Whereas, the Minneapolis Public Works Department surveyed property owners — between 35th St E and 42nd St E on Stevens Ave S, and the east side of 1st Ave S, as well as on 2nd Ave S and

the west side of 3rd Ave S, to determine their desire to have Mn/DOT install noise walls; and

Whereas, Minneapolis Public Works mailed a survey with a postage-paid response postcard to every property owner in the project area identified above, then door knocked all properties which had not responded by the identified date of August 5, 2008, as well as phone called those properties with publicly listed phone numbers; and

Whereas, a majority of property owners on Stevens Ave S and the east side of 1st Ave S, from 35th - 36th Streets, voted "NO" to the erection of a noise wall; and

Whereas, a majority of property owners on Stevens Ave S and the east side of 1st Ave S, from 36th - 38th Streets, voted "NO" to the erection of a noise wall using a weighted vote method. For this segment, because the unweighted vote was very close and a greater number of property owners on the frontage road (Stevens) did NOT want a noise wall installed, a weighted vote system was utilized that gave a full vote to properties directly adjacent to the wall (on Stevens) and one-half a vote to properties on the opposite side of the block (on 1st Ave); and

Whereas, the Council Members representing these segments have communicated the survey results to all affected property owners and residents;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby requests that Mn/DOT not erect noise walls in the segments along 35W on Stevens Ave S from 35th - 38th Streets.

Adopted 10/10/2008.

NEW BUSINESS

Samuels moved to introduce an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, for first reading and referral to the Public Safety & Regulatory Services Committee (requiring a management plan from a rental property licensee after a first incident of conduct on licensed premises involving prostitution, the unlawful sale or possession of controlled substances, or the unlawful possession, transportation, sale or use of a weapon; and allowing Crime Prevention Specialists to reject inadequate management plans and to work with the rental property licensees to develop good working plans to assist in the effective management of the rental property.) Seconded.

Adopted by unanimous consent 10/10/2008.

Ostrow moved to introduce the subject matter of an ordinance amending Title 9, Chapter 174 of the Minneapolis Code of Ordinances relating to Fire and Police Protection: Minneapolis Fire Department; Fire Prevention Bureau, for first reading and referral to the Public Safety & Regulatory Services Committee (authorizing and establishing a commercial building registration program). Seconded.

Adopted by unanimous consent 10/10/2008.

Lilligren moved to adjourn to Room 315 City Hall to consider the case of City of Minneapolis, et al. v. T.J. Waconia, et al. Seconded.

Adopted upon a voice vote 10/10/2008.

Room 315 City Hall

Minneapolis, Minnesota

October 10, 2008 - 10:35 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Glidden, Remington, Goodman, Samuels, Gordon, Hofstede, Ostrow, Lilligren, President Johnson.

Absent - Council Members Benson, Hodges, Schiff, Colvin Roy.

Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the case of City of Minneapolis, et al. v. T.J. Waconia, et al.

At 10:36 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Council Members Benson, Hodges, Schiff, Colvin Roy.

Present – Council Members Glidden (out 11:17-11:32 a.m.), Remington (out at 11:18 a.m.), Goodman (out at 11:33 a.m.), Hodges (in at 10:37 a.m.), Samuels, Gordon, Hofstede, Ostrow, Schiff (in at 10:38 a.m.), Lilligren (out 11:03-11:15 a.m.), Colvin Roy (in at 10:38 a.m.), President Johnson.

Absent - Council Member Benson.

Also Present – Susan Segal, City Attorney; Peter Ginder, Deputy City Attorney; Mary Cullen Yeager and Erika Toftness, outside counsel with Faegre & Benson LLP; Mayor R.T. Rybak; Cara Letofsky, Mayor's Office; Elfric Porte, Department of Community Planning & Economic Development; Henry Reimer, Department of Regulatory Services; Steven Ristuben, City Clerk; and Irene Kasper, City Clerk's Office.

Ginder and Yeager summarized the case of City of Minneapolis, et al. v. T.J. Waconia, et al. from 10:37 a.m. to 11:34 a.m.

At 11:35 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Remington, Benson, Glidden.

A motion to approve partial settlement of the case of City of Minneapolis, et al. v. T.J. Waconia, et al., Hennepin County Court File No. 27-CV-08-7880 by approving settlement of claims against SunTrust Mortgage, Inc. ("SunTrust"), was adopted 10/10/2008 by the City Council.

The following is the complete text of the published motion.

Lilligren moved to approve partial settlement of the case of *City of Minneapolis, et al. v. T.J. Waconia, et al.*, Hennepin County Court File No. 27-CV-08-7880 by approving settlement of claims against SunTrust Mortgage, Inc. ("SunTrust") according to terms that substantially comply with the following:

A. SunTrust, shall agree to sell to the Greater Metropolitan Housing Corporation 48 real properties either held or serviced by SunTrust ("GMHC") that are subject to the jurisdiction of the Hennepin County District Court or the Court - appointed administrator.

B. That SunTrust will sell 30 certain listed properties at its list price less ten percent discount.

C. That SunTrust has three properties under contract with third parties. In the event those sales do not occur SunTrust will sell to GMHC at ten percent off list price.

D. That SunTrust will sell 15 certain properties when they become available for sale at their list price less twelve percent.

E. That SunTrust shall make a payment of \$75,000.00 to the City of Minneapolis; \$50,000.00 to be payable to the Housing Maintenance Code Revolving Repair Fund for Tenant Remedies Actions; and, \$25,000.00 to be applied toward the Inspection Division for pending or levied special assessments.

F. That SunTrust will agree to dismiss any appeals it has in the above-captioned lawsuit; that Plaintiffs will dismiss their claims against SunTrust but the District Court shall return jurisdiction over certain properties for the sole purpose of ensuring that certain properties not be sold to GMHC shall be remediated of existing code violations prior to sale.

G. That Plaintiffs shall release any notices of lis pendens that were filed in the lawsuit relating to properties owned or serviced by SunTrust.

H. That the City Attorney is further authorized to execute any documents necessary to effectuate the settlement.

I. That the proper City officials are authorized to waive any pending or levied special assessments on properties owned or serviced by SunTrust that are purchased by GMHC. Seconded.

OCTOBER 10, 2008

Adopted 10/10/2008.

Absent - Remington, Benson, Glidden.

Approved by Mayor Rybak 10/10/2008.

(Published 10/15/2008)

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote 10/10/2008.

Absent - Remington, Benson, Glidden.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben,
City Clerk.

Unofficial Posting: 10/15/2008

Official Posting: 10/17/2008

Correction: 10/20/2008; 12/10/2008; 5/4/2009